



**Board Meeting
June 20-21, 2013**

Agenda Item 5 (a) & (b)

Contemporary and Emerging Issues Committee

Background:

As telepsychology practice becomes more commonplace as a delivery method, a few years ago the Board began the process to update our antiquated telepsychology guidelines. As the laws regarding telehealth differ by jurisdiction, our Board was developing “guidelines” with appropriate links so that practitioners would have a general template of how to protect themselves and the consumer by adhering to accepted American Psychological Association (APA) and other national guidelines. Over a year ago, Dr. Erickson, Ms. Gail Evans and the Executive Officer met, discussed and developed a short document of initial guidelines. This was not presented to the Board on request of the committee chair (Ms. Evans). Since our initial process, the APA, Association of State and Provincial Psychology Boards (ASPPB), other organizations and national task forces have been working toward a more complete model taking into account protection of the consumers, best practice and safety guidelines incorporating current trends and technologies. Due to the increased “task force” activity and input to the professional organizations, our initial posted guidelines would have been obsolete or incomplete shortly after development and posting. The Board requested the Executive Officer include the most recent ASPPB Draft Telepsychology Guidelines as a resource in developing our own telepsychology guidelines for our website.

Preparation:

The following documents are the ASPPB Draft Telepsychology Guidelines (part of the Draft Survey Form) and other assorted resources. Please review and be prepared to discuss which of the caveats, bullet points, guidelines, links and other information we would find most appropriate in developing a contemporary website guideline page for California practitioners and consumers. The ASPPB Draft Telepsychology Guidelines should not change much after their final review. The updated E-Passport Draft is included for your information only as part of the telepsychology information. This program will be practitioner specific, so there will be no jurisdictional issues affecting California.

Board Action needed:

Direct the Executive Officer to prepare a web page for posting, prior to the next Board Meeting, with the committee recommendations from this meeting and which guidelines are to be used.

ASPPB Draft Telepsychology Guidelines: April 2013

1. Guidelines are meant to be a resource that extends from in person services to Telepsychology services not a rewriting of current ethical standards and codes of conduct.
2. It is important for psychologists compliant with laws and regulations that govern practice within jurisdictions and across jurisdictional borders. Guidelines do not supersede jurisdictional authority.
3. Psychologists should exercise professional judgment in deciding which clients, under what circumstances, and through which electronic means is most appropriate and be aware of the potential benefits and limitations in their choices of technology for particular clients in particular situations.
4. Two aspects of telepsychology practice that are distinct from in-person services:
 - a. The psychologist's knowledge of and competence in the use of the telecommunication technologies being utilized
 - b. The need to ensure the client/patient has a full understanding of the increased risks to loss of security and confidentiality when using telecommunication technologies.
5. It is not intended by the Task Force that telepsychology be viewed as a specialty.

Competence of the Psychologist

Guideline 1: Psychologists who provide telepsychology services strive to take reasonable steps to ensure their competence with both the technologies used and the potential impact of the technologies on clients/patients, supervisees or other professionals.

- a. In practicing telepsychology, psychologists pursue continuing professional development of knowledge and skills, make reference to and use evidence-based research, and consult with professionals who have relevant expertise.
- b. Psychologists are encouraged to examine the available evidence to determine whether specific telecommunication technologies are suitable for a client/patient based on the current literature available, current outcomes research, best practice guidance and client/patient preference and to document their choices,
- b. Psychologists make reasonable effort to understand the manner in which cultural, linguistic, socioeconomic and other individual characteristics may impact effective use of telecommunication technologies.
- d. Psychologists make reasonable effort to identify and learn how to access emergency resources in the client's/patient's local area including emergency response contacts.

Standards of Care in the Delivery of Telepsychology Services

Guideline 2: Psychologists make every effort to ensure that ethical and Professional standards of care are met at the outset and throughout the duration of the telepsychology services they provide.

- a. Psychologists delivering telepsychology services apply the same ethical and professional standards of care that are required when providing in person psychological services.
- b. Psychologists are urged to conduct an initial assessment to determine appropriateness of telepsychology service (e.g. potential risks, and benefits, multicultural and ethical issues, medical conditions mental status and stability, diagnosis, substance use, treatment needs).
- c. Psychologists consider the client's/patient/s familiarity with and competency for using the specific technologies involved and to consider the privacy and safety conditions of the remote environment.

Informed Consent

Guideline 3: Psychologists make reasonable effort to obtain and document written informed consent that specifically addresses the unique concerns related to the telepsychology services they provide. When doing so, psychologists are cognizant of the applicable laws and regulations, as well as organizational requirements that govern informed consent in this area.

- a. Psychologists may need to be aware of the manner in which cultural, linguistic, socioeconomic characteristics, and organizational considerations may impact a client's/patient's understanding of, and the special considerations required for obtaining informed consent.
- b. Psychologists are encouraged to address the potential threats to security of data and information and inform the clients/patients about those threats (e.g. data storage, accessibility, vulnerabilities).
- c. Psychologists discuss issues surrounding confidentiality and risks posed by equipment and the processed used.
- d. Psychologists are mindful of the need to discuss billing documentation prior to onset of service.

Confidentiality of Data and Information

Guideline 4: Psychologists who provide telepsychology services make reasonable effort to protect and maintain the confidentiality of the data and information relating to their clients/patients and inform them of the potentially increased risks to loss of confidentiality inherent in the use of the telecommunication technologies, if any.

- a. Psychologists learn about risks to confidentiality before utilizing such technologies and obtain consultation to augment their knowledge as needed.
- b. Risks include use of search engines, participation in social networking sites, breaches to established security methods, as well as internet use.
- c. Psychologists are cognizant of the ethical and practical implications of proactively researching online personal information about their clients/patients. They consider discussing such activities with clients/patients and how information gained would be utilized and documented.
- d. Psychologists who use social networking sites are encouraged to review and educate themselves about the potential risks to privacy and confidentiality and consider utilizing all available privacy settings to reduce these risks.

Security and Transmission of Data and Information

Guideline 5: Psychologists who provide telepsychology services take reasonable steps to ensure that security measures are in place to protect data and information related to their clients/patients from unintended access or disclosure.

- a. Potential threats to the integrity of data and information may include computer viruses, hackers, theft of technology devices, damage to hard drives or portable drives, failure of security systems, flawed software, and ease of accessibility to unsecured electronic files, and malfunctioning or outdated technology.
- b. Psychologists are encouraged to conduct an analysis of the risks to their practice setting, telecommunication technologies, and administrative staff, to ensure that client/patient data and information is accessible only to appropriate and authorized individuals.
- c. When keeping records of e-mail, online messaging and other work using telecommunication technologies, psychologists are cognizant that preserving the actual communication may be preferable to summarization in some cases depending on the type of technology used.

E.PASSPORT

I. HISTORY and RATIONALE

ASPPB recognizes that some psychologists are interested in providing telepsychological services to clients/patients and that may require them to practice across jurisdictional lines. ASPPB also understands the mandate that regulatory boards have to regulate the practice of psychology in their jurisdiction to protect the welfare of their citizens. The ASPPB Telepsychology Task Force was formed to review existing literature and current best practices to see if a balance could be struck between providing broader access to quality services through the use of telecommunications technologies and unregulated practice from potentially unknown providers who could harm citizens of our member jurisdictions.

Consistent with its charge, the ASPPB Task Force assessed the issues of telepsychological practice through the regulatory lens rather than the lens of the individual psychologist. Critical distinctions exist between the role of a regulator and that of a licensed/registered psychologist in any given jurisdiction. Whether a particular practice standard or regulation is viewed as providing protection or a barrier may hinge on this germane distinction.

The primary objective of every regulator within the field of occupational regulation should be public protection. Regulators typically achieve public protection by establishing licensing standards, engaging in complaint resolution, and by facilitating education. A central consideration in evaluating the effectiveness of any proposed telepsychology standard, guideline, or regulatory language is of its ability to ensure that the practice of psychology is done competently and at the minimum standard of acceptable and prevailing practice. In essence, by asking, “Will this solution to telepsychology protect the recipients of psychological services?” This lens is citizen focused.

The primary objective of licensed/registered psychologists may differ. Licensed/registered psychologists in general are committed to the APA or CPA ethical principles and Codes of Conduct, which are client focused. Practicing psychologists may also view proposed telepsychology standards, guidelines, and regulatory language through a lens that is focused on—in addition to the needs of their clients—the ease of conducting their own private practice, and their needs as professionals, rather than focused on the role of protector of the public interest.

The Task Force faced the challenge of negotiating between regulatory and practitioner perspectives, creating a balance that ensures public protection within a realistic appraisal of evolving telepsychology practice. Based on our review of the current literature, commentaries, jurisdictional feedback, and best-practices of other organizations, the ASPPB Telepsychology Task Force developed a program to

accomplish both of these objectives. We acknowledge that multiple jurisdictions will require licensure in its jurisdiction but this model is offered as an alternative model to responsibly address the diverse needs of our citizens through new service models.

II. E.Passport Eligibility

The E.PASSPORT is based upon standards established by the ASPPB Task Force on Telepsychology and endorsed by the ASPPB Board of Directors. The purposes and goals of the E.Passport are to:

- Promote standardization in criteria for interjurisdictional telepsychological practice,
- Facilitate the process for licensed psychologists to provide psychological services across jurisdictional lines without obtaining an additional license;
- Provide more consistent regulation of interjurisdictional practice;
- Allow consumers of psychological services to benefit from regulated interjurisdictional telepsychological practice.

To qualify for the E.Passport, the individual must:

- Possess a current license to practice psychology from an ASPPB member jurisdiction based on an acceptable degree (see below);
- Have no record of any reported disciplinary action; and
- Sign the E.Passport contract between the psychologist, ASPPB and the participating jurisdiction

In addition, E.Passport applicants must attest to:

- Competence in his/her intended area of practice;
- Competence to provide those services via the technology used;
- Be familiar with and abide by the laws and rules in all of the jurisdictions in which he/she practices;
- Be held to the APA/ASPPB/APAIT Telepsychology Guidelines and the ASPPB Telepsychology Principles/Standards and
- Provide telepsychological services only into those jurisdictions which accept or recognize the E.Passport.

If the E.Passport holder is licensed at the masters level, he/she will only practice into those jurisdiction that authorize the independent practice of psychology at the masters level and accept the E.Passport for masters level practitioners. E.Passport holders also agree that if a complaint is made, he/she will be subject to their home jurisdiction's disciplinary authority.

Applicants for the E.Passport acknowledge that ASPPB does not guarantee that the E.Passport may be accepted in all or any U.S. or Canadian jurisdictions. Further, although ASPPB is committed to pursuing its acceptance, it cannot and does not guarantee the applicant that a particular jurisdiction will adopt the E.Passport as a qualification for interjurisdictional practice without obtaining local licensure.

The E.Passport applies solely to the provision of telepsychological services to patients in another jurisdiction and is not applicable to in-person practice. The E.Passport is not intended as a requirement for telepsychology practice within the jurisdiction. E.Passport does not provide any access to practice by a psychologist when the psychologist is not physically located in a jurisdiction where licensed. If a psychologist wants to physically move or relocate to another state or province, then they must apply for licensure before they are able to practice in the new jurisdiction. If a psychologist intends to practice telepsychology across jurisdictions, they would be required to obtain an E.Passport or to become licensed and/or registered in each of those other jurisdictions. The E.Passport would assure each distant jurisdiction that any psychologist who chooses to use telecommunication technologies has attested to competence to practice, they are knowledgeable with jurisprudence in the jurisdiction into which they are practicing and has meet the foundational requirements for the E.Passport.

III. PASSPORT FEES

All fees discussed in the following section will be determined by the ASPPB Board of Directors. Method of payment may be by cashier's check, personal check, money order, certified check, corporate business check or major credit card. Checks must be made payable to ASPPB in U.S. funds. A fee will be charged for each returned check. All fees are nonrefundable.

- A. The application fee for the initial E.Passport;
- B. The fee for forwarding verification of a valid E.Passport;
- C. The renewal fee for maintaining the E.Passport; and
- D. Any other applicable fees.

IV. REQUIREMENTS FOR THE E.PASSPORT

Psychologists who desire to use telecommunications technologies to practice interjurisdictionally without obtaining full licensure in those jurisdictions must fulfill the following requirements to be qualify for the E.Passport and practice in those jurisdictions accepting the E.Passport:

- A. Possess a current active license or registration to practice psychology at the

- 124 independent level in an ASPPB member jurisdiction
- 125 B. Have no history of disciplinary actions. If there is any disciplinary action pending,
126 the application shall be held in abeyance until said disciplinary action is resolved.
- 127 C. Will meet the following educational requirements:
- 128
- 129 1. The degree is from an institution of higher education that was; at the time
130 the degree was awarded:
- 131 a) *Regionally accredited by an accrediting body recognized by the U.S.*
132 *Department of Education to grant graduate degrees, OR*
- 133 b) *Authorized by Provincial statute or Royal Charter to grant graduate degrees;*
134 *OR*
- 135 c) *A foreign college or university deemed to be equivalent to a) or b) above by*
136 *a foreign credential evaluation service that is a member of the National*
137 *Association of Credential Evaluation Services (NACES) or by a recognized*
138 *foreign credential evaluation service; AND*
- 139 2. A graduate degree in psychology which meets the following criteria:
- 140 a) *The program, wherever it may be administratively housed, must be clearly*
141 *identified and labeled as a psychology program. Such a program must*
142 *specify in pertinent institutional catalogues and brochures its intent to*
143 *educate and train professional psychologists;*
- 144 b) *The psychology program must stand as a recognizable, coherent*
145 *organizational entity within the institution;*
- 146 c) *There must be a clear authority and primary responsibility for the core and*
147 *specialty areas whether or not the program cuts across administrative lines;*
- 148 d) *The program must consist of an integrated, organized sequence of study;*
- 149 e) *There must be an identifiable psychology faculty sufficient in size and*
150 *breadth to carry out its responsibilities;*
- 151 f) *The designated director of the program must be a psychologist and a*
152 *member of the core faculty;*
- 153 g) *The program must have an identifiable body of students who are*
154 *matriculated in that program for a degree;*
- 155 h) *The program must include supervised practicum, internship, or field training*
156 *appropriate to the practice of psychology;*
- 157 i) *The curriculum shall encompass a minimum of three academic years of full*

158 *time graduate study (for doctoral degrees) and a minimum of one year*
159 *academic study (master's degree).*

- 160 j) *A minimum of one continuous academic year of full time residency at the*
161 *educational institution granting the doctoral or master's degree.*
162

163 3. In addition to the program degree requirements, the applicant must

- 164 a) *Complete the Areas of Intended Practice Form and attest to its accuracy;*
165 b) *Attest to the intention to only practice from a jurisdiction in which he/she is*
166 *licensed;*
167 c) *Attest to be held to the APA/ASPPB/APAIT Telepsychology Guidelines and*
168 *the ASPPB Telepsychology Principles/Standards*
169 d) *Attest to being competent with the telecommunications technologies that*
170 *will be used to provide telepsychological services to clients/patients based*
171 *on the E.Passport applicant's education, training and experience*
172 e) *Attest to be knowledgeable of and will practice within the specified legal*
173 *requirements of his/her home jurisdiction and all other (distant) jurisdictions*
174 *where the practice or delivery of services is occurring, including but not*
175 *limited to any requirement to have liability insurance in the jurisdiction into*
176 *which the services are being provided. Where there is a conflict between*
177 *jurisdictions with regard to laws, regulations, and standards, psychologists*
178 *shall adhere to the laws, regulations and standards of his/her home*
179 *jurisdiction in a manner consistent with the distant jurisdiction's laws and*
180 *regulations as is reasonably possible. The psychologist will inform the*
181 *patient/client of all significant conflicts that may adversely impact the*
182 *professional services that the psychologists will provide with a particular*
183 *emphasis on any limits to confidentiality, privilege, and duties to report.*
184 f) *Attest to having no criminal convictions; and*
185 g) *Sign a release allowing all information to be verified as needed.*
186

187 **V. E.PASSPORT APPLICATION REVIEW PROCESS**

- 188 A. An individual interested in obtaining the E.Passport must make an application
189 from forms obtained from the ASPPB Central Office.
190 B. An application file shall be opened once any portion of an application and the fee
191 is received.

- 192 C. Initial review of an application file shall be made by an ASPPB staff member. This
193 initial review shall consist of the completion of an Application Checklist in order
194 to verify that the required documentation has been submitted by the candidate,
195 the appropriate fee submitted, and the application is thus complete.
- 196 D. If the application is deemed incomplete, the applicant will be notified in writing
197 of the deficiencies precluding action on the application.
- 198 E. Once an application is determined to be complete, an evaluation of the
199 application file shall be conducted by three (3) reviewers (ASPPB staff and/or
200 Mobility Committee members), two (2) of whom are licensed psychologists. The
201 first review shall consist of reviewing the credentials submitted, perform
202 appropriate analysis, and, if necessary, return the application to staff for
203 verification. After that reviewer recommends approval or denial of the
204 application, the application shall be forwarded to the next reviewer. If the next
205 reviewer concurs, the application is forwarded to the third reviewer. If all
206 reviewers concur, the application will be deemed approved or denied by the
207 Committee. If the reviewers do not concur, the application will be submitted to
208 the entire Committee for a final determination.
- 209 F. Reviews by the Committee or Committee members may be completed by
210 electronic means.
- 211 G. The applicant will be notified in writing of a decision to approve or deny
212 application. An individual whose application is denied will be advised of the
213 procedures to appeal the Committee's decision.

214 VI. **GROUND'S FOR DENIAL OF THE E.PASSPORT**

215
216 Applications for E.Passport will be denied when the Committee determines that any
217 of the following have occurred:

- 218 A. The applicant failed to complete any required portion of the application process
219 following appropriate notification to the applicant of one or more deficiencies;
- 220 B. There is evidence of fraud or misrepresentation of qualifications; OR
- 221 C. The applicant failed to satisfy one or more qualifications necessary for obtaining
222 the E.Passport.

223 VII. **APPEALS FROM DENIAL OF E.PASSPORT**

- 224 A. Appeals shall be considered by the Certification Appeals Committee, which is
225 made up of three (3) members appointed by the Board of Directors, two of
226 whom shall be psychologists and one of whom shall be a public member.

- 227 Certification Appeals Committee members shall not be current or immediate
228 former members (having served within the last year) of the Mobility Committee
229 or the Board of Directors. The Certification Appeals Committee will meet on an
230 as-needed basis;
- 231 B. Applicants who are denied an E.Passport may file an appeal by submitting the
232 appropriate form to the ASPPB Central Office. The appeal must be received by
233 the Certification Appeals Committee within 90 days of the date of the Mobility
234 Committee's letter of notice regarding denial;
- 235 C. An appeal must be based on the contention that the Mobility Committee erred
236 in its decision based on the information submitted in the application and
237 supporting documentation as of the applicant's last review. Additions or changes
238 to the applicant's record may not be made on appeal but may be submitted to
239 the Mobility Committee for reconsideration. An appeal may include written
240 arguments regarding misapplication of standards or misinterpretation of
241 information or documentation;
- 242 D. Nothing contained in the Mobility Program Policies shall entitle any applicant to
243 a hearing on his or her application. An applicant and/or his/her attorney may
244 submit arguments in writing so long as they are reasonable in length;
- 245 E. The decision of the Certification Appeals Committee will be final;
- 246 F. The ASPPB Certification Appeals Committee may conduct its reviews by
247 correspondence. The Certification Appeals Committee will be provided only the
248 information that was available to the ASPPB Mobility Committee when it made
249 its original decision. The Certification Appeals Committee may make the
250 following decisions:
- 251 1. Affirm the Mobility Committee's decision; or
- 252 2. Reverse the Mobility Committee's decision and issue a certificate; or
- 253 3. Send back to the Mobility Committee with a request to the applicant for
254 additional information for the Mobility Committee to consider.

255 **VIII. PROCEDURES FOR COMPLAINTS AGAINST E.PASSPORT HOLDERS**

256
257 Complaints against psychologists who are providing telepsychological services
258 under the E.Passport credential shall be handled by the home jurisdiction where the
259 psychologist is licensed. The home jurisdiction as part of accepting or recognizing
260 the E.Passport agrees to investigate the claim even though the complainant is not a
261 resident of that jurisdiction.
262

Clients/patients may make the complaint to the distant jurisdiction where they resided even though the psychologist may not be licensed to practice psychology by that jurisdiction.

If the complaint is made to the distant jurisdiction, it will refer the complaint to the home jurisdiction.

Notwithstanding the above, if the complaint is investigated by the distant jurisdiction and found to be of merit and the distant jurisdiction sanctions the psychologist or issues a cease and desist order or injunctive relief for conduct while practicing under the E.Passport or violating the E.Passport contract, any public disciplinary findings will be forwarded to ASPPB for revocation of the E.Passport of the psychologist, inclusion in the ASPPB Disciplinary Data System and notification to the home jurisdiction. If the psychologist is in violation of the terms of the contract or is sanctioned by the distant jurisdiction, the E.Passport will be revoked and the psychologist will no longer have the authorization to provide interjurisdictional telepsychology services. The psychologist agrees to abide by this decision and stop providing interjurisdictional telepsychology services based on the issuance of the E.Passport. The psychologist is on notice that the violation of the E.Passport contract and revocation of the E.Passport may serve as a basis for action by a licensing board.

Since the E.Passport holder psychologist is licensed to practice psychology in the home jurisdiction that ASPPB member jurisdiction agrees to hold the psychologist accountable for their professional conduct while providing interjurisdictional telepsychological services to clients/patients in a distant jurisdiction.

Any public disciplinary actions imposed resulting from the complaint will be forwarded to ASPPB for inclusion in the ASPPB Disciplinary Data System, and will automatically result in revocation of the E.Passport.

IX. REVOCATION OF E.PASSPORT

A certificate shall be revoked upon reasonable proof of the following:

- A. Any disciplinary sanction imposed upon a license or registration by an ASPPB member board;
- B. Proof of fraud in application;
- C. Failure to comply with all applicable statutory, regulatory and ethical standards in representing E.Passport status;
- D. Failure to comply and be bound by the terms of the contract established by the E.Passport between the psychologist, member jurisdiction and ASPPB; If the

303 psychologist is in violation of the terms of the contract, the E.Passport will be
304 revoked and the psychologist will no longer have the authorization to provide
305 interjurisdictional telepsychology services. The psychologist agrees to abide by
306 this decision and stop providing interjurisdictional telepsychology services based
307 on the issuance of the E.Passport.

308 E. Conviction of a crime, despite the pendency of any appeal or other legal
309 proceedings. A “crime” shall include any felony; any lesser crime, an element of
310 which under applicable law is fraud, bribery, extortion, theft, or attempt or
311 conspiracy to commit another serious crime; and any other criminal act.

312 **X. APPEALS FROM REVOCATION OF THE E.PASSPORT**
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314 A. Individuals whose E.Passport is revoked may file an appeal with the Certification
315 Appeals Committee on the appropriate form. The appeal must be received by
316 the Certification Appeals Committee within 90 days of the date of the letter of
317 notice regarding revocation;

318 B. An individual may not submit information or documentation on appeal beyond
319 what was available to the Mobility Committee at the time of its decision;

320 C. Nothing contained in the Mobility Program Policies shall entitle any certificate
321 holder to a hearing on the revocation of his or her E.Passport; and

322 D. Revocations of the E.Passport are not eligible for reapplication.
323

324 **XI. RENEWAL OF THE E.PASSPORT**

325 ASPPB Will:

326 A. Ensure the E.Passport is renewed bi-annually;

327 B. Receive and review an updated Intended Areas of Practice Form;

328 C. Receive attestation that the E.Passport holder has reviewed and will be held to
329 the current APA/ASPPB/APAIT Telepsychology Guidelines and the ASPPB
330 Telepsychology Principles/Standards;

331 D. Verify that the psychologist has obtained required continued professional
332 development related to providing telepsychology services

333 E. Verify current, active licensure/registration in good standing and

334 F. Request a current HIPDB self-query be submitted to ASPPB by US E.Passport
335 holders.

336**XII. RESPONSIBILITY OF E.PASSPORT HOLDERS**

337

338 E.Passport Holders shall:

- 339 A. Abide by and agree to be bound by the E.Passport contract;
- 340 B. Appropriately represent their E.Passport status as reflecting the practitioner's
341 basic qualifications and should not be represented as an additional qualification
342 or as a superior level of psychological qualifications or service;
- 343 C. Comply with all applicable statutory, regulatory, and ethical requirements;
- 344 D. Shall report to ASPPB any findings of criminal or unethical conduct or disciplinary
345 actions against him/her that arises after application for the E.Passport;
- 346 E. Be held to the APA/ASPPB/APAIT Telepsychology Guidelines and the ASPPB
347 Telepsychology Principles/Standards;
- 348 F. Inform ASPPB of any pending disciplinary action, criminal action or malpractice
349 action that arise after the application for the E.Passport;
- 350 G. Acknowledge that violation of the terms of the contract the E.Passport shall
351 result in revocation of the E.Passport and this revocation of the E.Passport may
352 serve as a basis for action by a licensing board.
- 353 H. Agree to inform the clients/patients of psychologist's licensure status and
354 location, and that he/she possesses an E.Passport;
- 355 I. Inform the clients/patients of any limitations regarding where the psychologist
356 can practice, and how and where the patient can file a complaint;
- 357 J. Notify the patient when there is a conflict of law regarding confidentiality (e.g.,
358 duty to warn, duty to report), at the outset of the provision of services [as well as
359 when the incidents arises];
- 360 K. Comply with any cease and desist order or injunctive relief from a distant
361 jurisdiction;
- 362 L. Disclose E.Passport status on all promotional/professional materials in the
363 connection with any telepsychological practice;
- 364 M. Notify ASPPB of any address or licensure or registration status changes;
- 365 N. Agree to obtain six hours education relevant to the use of technology in

- 366 psychology practice each renewal period to maintain the E.Passport;
- 367 O. Agree to release information for posting in the E.Passport Directory;
- 368 P. Notify ASPPB of intended telepsychological practice to include start date as well
369 as jurisdiction; and
- 370 Q. At renewal, provide a list of jurisdictions into which they have provided services
371 into.

372 **XIII. ASPPB RESPONSIBILITY TO E.PASSPORT HOLDERS**

373 ASPPB shall:

- 374 A. Not discriminate among applicants as to age, gender, race, religion, national
375 origin, disability, or sexual orientation;
- 376 B. Comply with all requirements of applicable federal, provincial and state laws;
- 377 C. Primary source verify that the applicant has a current, valid license issued by a
378 psychology regulatory body for independent practice as: a psychologist in the
379 U.S.; or a psychologist or psychological associate in Canada;
- 380 D. Verify via the ASPPB Disciplinary Data System that the applicant has no record of
381 any publicly reported discipline on any license or registration issued to the
382 applicant from any psychology regulatory body;
- 383 E. Obtain a completed Competency to Practice Attestation Form from the
384 applicant;
- 385 F. Require the applicant to attest that he/she has read, understands and will abide
386 by the provided APA/ASPPB/APA/IT Telepsychology Guidelines and ASPPB
387 Telepsychology Standards; and
- 388 G. Issue the E.Passport upon meeting all the requirements.

389 **XIV. ASPPB RESPONSIBILITIES TO THE JURISDICTION ACCEPTING** 390 **E.PASSPORT** 391

392 ASPPB shall:

- 393 A. Maintain and make available a directory of E.Passport holders identifying
394 licensure level and eligible jurisdictions;
- 395 B. Revoke the E- Passport upon notification of any disciplinary action on the

396 psychologist. This revocation will permanently revoke all rights to
397 telepsychological practice based on that E.Passport; and

398 C. At renewal, verify six hours of education has been obtained.

399**XV. JURISDICTIONS ACCEPTING THE E.PASSPORT**
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401 E.Passport accepting jurisdictions shall:
402

- 403 A. Comply with the regulations established by the E.Passport;
- 404 B. Identify the minimal level of licensure (doctoral or master's) acceptable to
405 practice telepsychology into the jurisdiction via the E.Passport
- 406 C. Act on the authority to investigate, prosecute and adjudicate claims filed against
407 a psychologist in their jurisdiction when the recipient of the service is a citizen of
408 a distant jurisdiction.
- 409 D. Recognize that the distant jurisdiction, where the psychologist is not licensed
410 and where the patient is receiving the services, has the authority based on a
411 finding of fact to issue a cease and desist order and injunctive relief mandating
412 the psychologist stop providing telepsychology services into that jurisdiction; and
- 413 E. Notify the certifying agency if a psychologist is found by to have violated a
414 regulation, rule or law. The violation of the jurisdictional regulation, rule or law
415 shall serve to revoke the E.Passport.
- 416 F. Be able to verify E.Passport holders via the ASPPB website.

417**XVI. DIRECTORY OF E.PASSPORT HOLDERS**
418

419 A directory of those individuals who hold the E.Passport is available on the ASPPB
420 website. By providing this directory, ASPPB verifies that the individuals have met
421 the requirements for the E.Passport Certificate. ASPPB does not make any individual
422 recommendation or referral for psychological services by listing these individuals.
423 Participation in the Directory of E.Passport holders is required.

424**XVII. MODIFICATION TO E.PASSPORT ELIGIBILITY CRITERIA**
425

426 Eligibility criteria for obtaining the E.Passport may change as a result of action by
427 the ASPPB Board of Directors. New criteria shall become effective on the dates
428 designated by the Board of Directors and apply to newly filed applications.

PRINCIPLES/ STANDARDS

For purposes of this survey, please assume a situation where there has been success in developing a common set of telepsychology practice principles/standards. Such principles/standards would recognize that telepsychology occurs within the context of existing ethical standards and principles for practice. Accordingly, in addition to general adherence to ethical principles and best practices, providers of telepsychology also need to be aware of issues particular to the telepsychological service they are offering. The Task Force has proposed the following set of principles/standards specific to telepsychology:

1. Psychologists providing telepsychology services will be held to the same standard of care/competence/conduct as they would when providing more traditionally based services.
2. Psychologists providing interjurisdictional telepsychology services shall be licensed/registered in good standing in the home jurisdiction from which the services are being provided.
3. Psychologists providing telepsychology services shall be aware of the location of the client/patient and ensure the legal entitlement to provide telepsychology services in that jurisdiction.
4. At the onset of professional services, psychologists providing telepsychology services shall provide notification to the boards of all jurisdictions into which the telepsychological service will be provided and in which the client/patient resides or is located at the time of service. The psychologist shall identify the home jurisdiction in which they hold a license in good standing.
Please Note: Under Option 4 the psychologist would directly inform the distant jurisdiction(s); under Option 5 and Option 6 the certifying agency would inform the distant jurisdiction(s).
5. Psychologists providing telepsychology services shall be aware of applicable laws, rules, regulations, and standards for practice in the jurisdiction into which the service is being delivered, including but not limited to any requirement to have liability insurance in the jurisdiction into which the services are being provided. Where there is a conflict between jurisdictions with regard to laws, regulations, and standards, psychologists shall adhere to the laws, regulations and standards of his/her home jurisdiction in a manner consistent with the distant jurisdiction's laws and regulations as is reasonably possible. The psychologist will inform the patient/client of all significant conflicts that may adversely impact the professional services that the psychologists will provide with a particular emphasis on any limits to confidentiality, privilege, and duties to report.

6. Psychologists providing telepsychology services shall be competent in the technology of the service delivery medium and maintain current competency through continuing professional development, consultation or other procedures, in conformance with current regulatory requirements.
7. Psychologists providing telepsychology services will ensure the electronic and physical security and integrity of client records, including any electronic data and communications.
8. Psychologists providing telepsychology services shall be competent in the maintenance of privacy, confidentiality, and security related to equipment, electronic records and electronic communications or data, including the disposal of such.
9. Psychologists providing telepsychology services shall provide the client/patient with the contact information and process for filing a complaint with the regulatory body of the home jurisdiction in which they hold a license in good standing.
10. Psychologists providing telepsychology services shall establish and communicate policies with the client/patient regarding technological difficulties or failures.
11. Psychologists providing telepsychology services must verify at the onset of each contact the identity of the client/patient, as well as the identity of all individuals privy to any electronically transmitted service, at any time during the contact.
12. Psychologists providing telepsychology services must inform the client/patient of any limits to confidentiality, security, and privacy unique to the telepsychology service being provided.

TELEHEALTH LINKS AND RESOURCES

APA Practice Central

<http://www.apapracticecentral.org/update/2010/08-31/telehealth-resources.aspx>

<http://search.apa.org/search?query=telehealth>

American Psychological Association Practice Organization. (2010, Summer). [Telehealth: Legal basics for psychologists](#) (PDF, 2 MB). *Good Practice*. Retrieved August 23, 2010. Available to members of the APA Practice Organization.

American Academy of Child and Adolescent Psychiatry. (2008, July 19). [Practice parameter for telepsychiatry with children and adolescents](#) (PDF, 199 KB). Retrieved August 23, 2010

American Telemedicine Association. (2009, July). [Evidence-based practice for telemental health](#) (PDF, 307 KB). Retrieved August 23, 2010

American Telemedicine Association. (2009, October). [Practice guidelines for videoconferencing-based telemental health](#) (PDF, 233 KB). Retrieved August 23, 2010

Center for Substance Abuse Treatment. (2009). [Considerations for the provision of e-therapy](#) (PDF, 673 KB). HHS Publication. No. (SMA) 09-4450. Rockville, MD: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration. Retrieved August 23, 2010
Drude, K. & Lichstein, M. (2005, August). [Psychologists' use of e-mail with clients: Some ethical considerations](#). *The Ohio Psychologist*, 13-17. Retrieved August 23, 2010
Martin, S. (2010, July). [The Internet's ethical challenges](#). *Monitor on Psychology*, 41 (7), 32. Retrieved August 20, 2010

Ohio Psychological Association. (2008, April 12, updated 2010). [Telepsychology guidelines](#) (PDF, 127 KB). Retrieved August 23, 2010

Additional resources

Reed, G.M., McLaughlin, C.J., & Milholland, K. (2000). Ten interdisciplinary principles for professional practice in telehealth: Implications for psychology. *Professional Psychology: Research and Practice*, 31, 170-178.
Richardson, L.K., Frueh, B.C., Grubaugh, A.L., Egede, L., & Elhai, J.D. (2009). Current directions in videoconferencing tele-mental health research. *Clinical Psychology: Science and Practice*, 16, 323-338.
Additional commentary on "Current directions in videoconferencing tele-mental

health research":

Koocher, G.P. (2009). Any minute now but far, far away: Electronically mediated mental health. *Clinical Psychology: Science and Practice*, 16, 339-342.

Mohr, D.C. (2009). Telemental health: Reflections on how to move the field forward. *Clinical Psychology: Science and Practice*, 16, 343-347.

California Healthline

How can California make the most of telehealth law

<http://www.californiahealthline.org/think-tank/2011/>How can California make the most of telehealth law

A new emphasis on telehealth

How can psychologists stay ahead of the curve — and keep patients safe

<http://www.apa.org/monitor/2011/06/telehealth.aspx>

Zur Institute

http://www.zurinstitute.com/telehealth_ethical_decisions.html

<http://www.zurinstitute.com/telepsychologyguidelines.pdf>

APA **Practicing distance therapy, legally and ethically**

Psychology is developing guidelines for practitioners in this rapidly changing area.

<http://www.apa.org/monitor/2012/03/virtual.aspx>

Additional:

Awareness and assessment of non-verbal behavior by the patient

Access issues

Distribution of computers

Familiarity with technology of patient

Pt finds out information about you on web

Social networking sites

Training to be competent online essential

Encryption

Basics

- The appropriateness of telepsychology
- Legal and ethical requirements
- Informed consent and disclosures
- Secure communications/electronic transfer of client information
- Access to and storage of communications
- Fees and financial arrangements
- Supervision
- Assessment